



Blue Jay Wireless, LLC  
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March 1, 2016

Via ECFS

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Blue Jay Wireless, LLC Annual Customer Proprietary Network Information  
Compliance Certification; EB Docket No. 06-36

Dear Secretary Dortch:

Pursuant to 47 C.F.R. §64.2009(e), Blue Jay Wireless hereby files its 2016 Annual Customer Proprietary Network Information compliance certification for the 2015 calendar year.

Please feel free to contact me if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lauren Moxley", with a stylized flourish at the end.

Lauren Moxley  
Chief Compliance Officer  
Blue Jay Wireless, LLC  
310.452.1618 (office)  
lmoxley@bluejaywireless.com

Attachment

# Annual 47 C.F.R. § 64.2009(e) CPNI Certification

## EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2016 covering the prior calendar year 2015.

1. Date filed: March 1, 2016
2. Name of company(s) covered by this certification: Blue Jay Wireless, LLC
3. Form 499 Filer ID: 829394
4. Name of signatory: David Wareikis
5. Title of signatory: CEO
6. Certification:

I, David Wareikis, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, safeguards, recordkeeping, and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken actions (*i.e.*, proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year.

The company has not received customer complaints in the past year concerning the unauthorized release of CPNI.

The company represents and warrants that the above certification is consistent with 47 C.F.R. § 1.17, which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.



David Wareikis  
Chief Executive Officer  
Blue Jay Wireless, LLC  
Date: March 1, 2016

## **Customer Proprietary Network Information Certification Attachment A**

Blue Jay Wireless, LLC (“Blue Jay”) has established practices and procedures adequate to ensure compliance with Section 222 of the Communications Act of 1934, as amended, and the Federal Communications Commission’s (“FCC”) rules pertaining to customer proprietary network information (“CPNI”) set forth in sections 64.2001 – 64.2011 of the Commission’s rules. This attachment summarizes those practices and procedures.

### **Safeguarding against pretexting**

- Blue Jay takes reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI. Blue Jay is committed to notifying the FCC of any novel or new methods of pretexting it discovers and of any actions it takes against pretexters and data brokers.

### **Training and discipline**

- Blue Jay trains its supervisory and non-supervisory personnel in an effort to ensure that its employees, in accordance with FCC regulations: (a) understand what CPNI is, (b) understand when they are and when they are not authorized to use or disclose CPNI, (c) obtain customers’ informed consent as required with respect to its use for marketing purposes, and (d) keep records regarding receipt of such consent, customer complaints regarding CPNI and the use of CPNI for marketing campaigns.
- Blue Jay employees are required to review Blue Jay’s CPNI practices and procedures and to acknowledge their comprehension thereof. The careless or intentional failure to comply with these practices and procedures may result in disciplinary action, up to and including discharge.

### **Blue Jay’s use of CPNI**

- Blue Jay may use CPNI for the following purposes:
  - To initiate, render, maintain, repair, bill and collect for services;
  - To protect its property rights; or to protect its subscribers or other carriers from fraudulent, abusive, or the unlawful use of, or subscription to, such services;
  - To provide inbound telemarketing, referral or administrative services to the customer during a customer initiated call and with the customer’s informed consent.
  - To comply with applicable law;
  - To market additional services to customers that are within the same categories of service to which the customer already subscribes;
  - To market services formerly known as adjunct-to-basic services; and

- To market additional services to customers with the receipt of informed consent via the use of opt-in or out-out Customer approval, as applicable.
- Blue Jay does not disclose or permit access to CPNI to track customers that call competing service providers.
- Blue Jay discloses and permits access to CPNI where required by law (*e.g.*, under a lawfully issued subpoena).

### **Customer approval and informed consent**

Blue Jay has implemented a system to obtain approval and informed consent from its customers prior to the use of CPNI for marketing purposes. This system also allows for the status of a customer's CPNI approval to be clearly established prior to the use of CPNI.

- Blue Jay obtains opt-out or opt-in customer consent prior to using its customers' CPNI.
- Prior to any solicitation for customer approval, Blue Jay notifies customers of their right to restrict the use of, disclosure of, and access to their CPNI.
- Blue Jay uses opt-in approval when using or disclosing CPNI for purposes other than permitted under opt-out approval or in 47 USC 222 and the FCC's CPNI rules.
- A customer's approval or disapproval remains in effect until the customer revokes or limits such approval or disapproval.
- Records of approvals are maintained for at least one year.
- Blue Jay provides individual notice to customers when soliciting approval to use, disclose, or permit access to CPNI.
- The content of Blue Jay's CPNI notices complies with FCC rule 64.2008(c).
- Blue Jay uses oral notice to obtain limited, one-time approval for use of CPNI for the duration of a call. The contents of such notice comports with FCC rule 64.2008(f).

### **Additional safeguards**

- Blue Jay maintains, for at least one year, records of all marketing campaigns that use its customers' CPNI, including a description of each campaign and the CPNI used, the products offered as part of the campaign, and instances where CPNI was disclosed to third parties or where third parties were allowed access to CPNI. Such campaigns are subject to a supervisory approval and compliance review process, the records of which also are maintained for a minimum of one year.
- Blue Jay has established a supervisory review process designed to ensure compliance with the FCC's CPNI rules for outbound marketing situations and maintenance of records.

- Blue Jay designates one or more officers, as an agent or agents of the Blue Jay, to sign and file a CPNI compliance certificate on an annual basis. The certificate conforms to the requirements set forth in FCC rule 64.2009(e).
- Blue Jay will provide written notice to the Commission in accordance with the requirements of FCC rule 64.2009(f) if ever its opt-out mechanisms malfunction in the manner described therein.
- For customer-initiated telephone inquiries regarding or requiring access to call detail information, Blue Jay authenticates the customer (or its authorized representative), through a pre-established password, without prompting through the use of readily available biographical or account information. If the customer cannot provide a password, then Blue Jay only discloses call detail information by sending it to the customer's address of record, or by calling the customer at the telephone number of record.
- For online customer access to CPNI, Blue Jay authenticates the customer (or its authorized representative) without the use of readily available biographical or account information. After the customer has been authenticated, Blue Jay utilizes a customer-established password to authorize account access. Blue Jay establishes passwords and has employed back-up authentication for lost or forgotten passwords consistent with the requirements of FCC rule 64.2010(e).
- Blue Jay notifies customers immediately of any account changes, including address of record, authentication, online account and password related changes.
- Blue Jay may negotiate alternative authentication procedures for services that Blue Jay provides to business customers that have both a dedicated account representative and a contract that specifically addresses Blue Jay's protection of CPNI.
- In the event of a breach of CPNI, Blue Jay will notify law enforcement as soon as practicable and no later than seven (7) business days from discovering the breach. Customers will be notified after the seven (7) day period, unless the relevant investigatory party directs Blue Jay to delay notification, or Blue Jay and the investigatory party agree to an earlier notification. Blue Jay will maintain a record of all CPNI security breaches, including a description of the breach and the CPNI involved, along with notifications sent to law enforcement and affected customers.